

DECISION OF THE EEA JOINT COMMITTEE
No 49/2011

of 20 May 2011

amending Annex II (Technical regulations, standards, testing and certification)
to the EEA Agreement

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as ‘the Agreement’, and in particular Article 98 thereof,

Whereas:

- (1) Annex II to the Agreement was amended by Decision of the EEA Joint Committee No 125/2009 of 4 December 2009¹.
- (2) Directive 2009/3/EC of the European Parliament and of the Council of 11 March 2009 amending Council Directive 80/181/EEC on the approximation of the laws of the Member States relating to units of measurement² is to be incorporated into the Agreement.
- (3) Directive 2009/23/EC of the European Parliament and of the Council of 23 April 2009 on non-automatic weighing instruments (Codified version)³ is to be incorporated into the Agreement.
- (4) Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both measuring instruments and methods of metrological control (Recast)⁴ is to be incorporated into the Agreement.
- (5) Commission Directive 2009/137/EC of 10 November 2009 amending Directive 2004/22/EC of the European Parliament and of the Council on measuring instruments in respect of exploitation of the maximum permissible errors, as regards the instrument-specific annexes MI-001 to MI-005⁵ is to be incorporated into the Agreement.

¹ OJ L 62, 11.3.2010, p. 11.
² OJ L 114, 7.5.2009, p. 10.
³ OJ L 122, 16.5.2009, p. 6.
⁴ OJ L 106, 28.4.2009, p. 7.
⁵ OJ L 294, 11.11.2009, p. 7.

- (6) Directive 2009/23/EC repeals Council Directive 90/384/EEC⁶ which is incorporated into the Agreement and which is consequently to be deleted under the Agreement.
- (7) Directive 2009/34/EC repeals Council Directive 71/316/EEC⁷ which is incorporated into the Agreement and which is consequently to be deleted under the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

Chapter IX of Annex II to the Agreement shall be amended as follows:

1. The text of point 1 (Council Directive 71/316/EEC) shall be replaced by the following:

‘**32009 L 0034:** Directive 2009/34/EC of the European Parliament and of the Council of 23 April 2009 relating to common provisions for both measuring instruments and methods of metrological control (Recast) (OJ L 106, 28.4.2009, p. 7).

The provisions of the Directive shall, for the purposes of the present Agreement, be read with the following adaptations:

- (a) To the first indent of point 3.1 of Annex I and to the first indent of point 3.1.1.1 (a) of Annex II, the following shall be added to the text in brackets:

"FL for Liechtenstein, IS for Iceland, N for Norway",

- (b) The drawings to which Annex II point 3.2.1 refers, shall be supplemented by the letters necessary for the signs FL, IS, N.’

2. The following indent shall be added in point 24 (Council Directive 80/181/EEC):

‘- **32009 L 0003:** Directive 2009/3/EC of the European Parliament and of the Council of 11 March 2009 (OJ L 114, 7.5.2009, p. 10).’

3. The text of point 27 (Council Directive 90/384/EEC) shall be replaced by the following:

‘**32009 L 0023:** Directive 2009/23/EC of the European Parliament and of the Council of 23 April 2009 on non-automatic weighing instruments (Codified version) (OJ L 122, 16.5.2009, p. 6).’

⁶ OJ L 189, 20.7.1990, p. 1.

⁷ OJ L 202, 6.9.1971, p. 1.

4. The following indent shall be added in point 27b (Directive 2004/22/EC of the European Parliament and of the Council):

‘- **32009 L 0137**: Commission Directive 2009/137/EC of 10 November 2009 (OJ L 294, 11.11.2009, p. 7).’

Article 2

The texts of Directives 2009/3/EC, 2009/23/EC, 2009/34/EC and 2009/137/EC in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on 21 May 2011, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee*.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 20 May 2011.

*For the EEA Joint Committee
The Acting President
Gianluca Grippa*

*The Secretaries
to the EEA Joint Committee
Bergdís Ellertsdóttir Peter Meyer
(Acting Secretary)*

* No constitutional requirements indicated.